# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## SPECIAL CIVIL APPLICATION No. 11955 of 2004

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE H.K.RATHOD**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**KHAMBHALIYA NAGARPALIKA THRO CHIEF OFFICER - Petitioner(s)**

**Versus**

**MAHENDRASINH PRATAPSINH GOHIL & 12 - Respondent(s)**

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**Appearance :**

MR MANOJ N POPAT for Petitioner(s) : 1,
MR KISHOR M PAUL for Respondent(s) : 1 - 13.

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**CORAM : HONOURABLE MR.JUSTICE H.K.RATHOD**

**Date : 16/01/2006**

**ORAL JUDGMENT**

1. Heard learned Advocate Mr.Manoj Popat, appearing for the petitioner and learned Advocate, Mr.K.M.Paul, appearing on behalf of

respondents.

2. This Court has issued rule on 27th September,2004 and meanwhile, ad-interim relief in terms of Para.8(B) has granted. In present petition, petitioner has challenged award passed by Industrial Tribunal, Rajkot dated 5th July,2004, wherein, complaint filed by respondents under Section 33-A of I.D.Act.1947 is dismissed. The Industrial Tribunal further vacated ad-interim order granted vide Exh.6 on 15th April,2004 but, Industrial Tribunal has directed to the petitioner that before terminating the service of respondents, reasonable opportunity of hearing and due process of law is required to be followed. Against the said direction, for dismissing the complaint and vacating the earlier ad-interim order, the grievance was raised by petitioner.

3. When the matter has been taken up for

hearing, learned Advocate, Mr.K.M.Paul, appearing for respondents has submitted that subsequently, the workmen's service has been terminated by the petitioner. In view of this fact, now, present petition has become infructuous by subsequent incident and, therefore, present petition is disposed of accordingly. Rule is discharged with no order as to costs. Interim relief, if any, stands vacated.

**(H.K.RATHOD,J.)**

(vipul)